

## **2013 Adult Sentencing and Release Guidelines**

### **Guideline Subcommittee Recommendations**

#### **White Collar Fraud Subcommittee Guideline recommendations (Already adopted)**

- Language on page 1
- Addition to Form 2 and Form 4

#### **Statutory Considerations**

- 63G offenses (pg 30)
  - o Removal of §63G-6-1001, Accepting Emolument
  - o Removal of § 63G-6-1002, Offering Emolument
  - o Addition of §63G-6a-2304.5, Gratuities- Kickbacks- Unlawful Use of Position or Influence as “other” offense
  - o Addition of §63G-6a-2305, Artificially Dividing a Purchase as “other” offense
- Human Trafficking and Human Smuggling §76-5-309 (page 32)
  - o Removal of word “penalty”
- Patronizing a prostitute §76-10-1303 (page 36)
  - o Addition as “person” offense
- Sexual Solicitation §76-10-1313 (page 36)
  - o Addition as “person” offense
- Violation of a pretrial criminal no contact order §77-38-3 (page 37)
  - o Addition as “person” offense
- Enticing a Minor §76-4-401 (page 42)
  - o Fix categorization.
  - o Fix title of statute.
- Aggravated Exploitation of Prostitution §76-10-1306 (page 44)
  - o Addition of additional scoring row
- Attempted Aggravated Exploitation of Prostitution §76-10-1306 (page 44)
  - o Addition of additional scoring row
- Attempted Aggravated Murder with serious bodily injury §76-4-102 (page 31)
  - o Creation of form 1a
  - o Addition to instructions for *Crime Category Listings* (page 26)
  - o Addition to *Crime Category Listings*(page 31)
  - o Addition to the Crime Column Severity Listing. (page 23)



### **Other Recommendations**

- Expunged cases. (page 4 and 5)
- Impaired driving/ reckless driving (page 4)
- Supervision history. Offense occurred while being supervised for a plea in abeyance. (page 5)
- Absconding (page 5)
- Violence History. Juvenile adjudications and adult convictions. (Page 6, Form 1, Form 1a, Form 3)
- Title of Form 3- Sex and Kidnap Offender Matrix (page 14, 40 and 41)
- Aggravated Kidnapping- no sexual component §65-5-302
  - o Removal of instruction section (page 14)
- Form 4. Removal of Aggravating factor 7 and Mitigating factor 3.
- Attempted Aggravated Murder with Serious Bodily Injury instructions. (page 26)

